

### **Listing of the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) An isolated DNA sequence comprising a functional human IL-18BP promoter sequence which is SEQ ID NO:1, said isolated DNA sequence operably linked ~~comprises~~ at the 3' end of the promoter sequence to nucleotides one to 51 of the 5' end of SEQ ID NO: 5.
2. (Currently amended) An isolated DNA sequence comprising a functional human IL-18BP promoter fragment or derivative comprising ~~which is~~ SEQ ID NO:1, ~~a fragment or a derivative thereof~~ wherein the promoter fragment or ~~[[the]]~~ derivative ~~thereof~~ comprises human IL-18BP activity and also comprises SEQ ID NO: 3 operably linked and wherein the 3' end of said DNA sequence or fragment thereof ~~comprises~~ at the 3' end to one to 51 nucleotides of the 5' end of SEQ ID NO: 5, and wherein the promoter fragment or derivative is mutated at one or more AP1 sites present in ~~[[a]]~~ the silencer element present in the SEQ ID NO: 3.
- 3-4. (Cancelled)
5. (Currently amended) The isolated DNA sequence according to claim 1, ~~further comprising~~ operably linked to an intron.
6. (Previously presented) The isolated DNA sequence according to claim 5, wherein the intron consists of the first intron of IL-18BP.
7. (Currently amended) The isolated DNA sequence according to claim 1, further containing a gene operatively linked to the isolated DNA sequence ~~IL-18BP promoter~~.
8. (Previously presented) The isolated DNA sequence according to claim 7, wherein the gene encodes IL-18BP.
9. (Previously presented) The isolated DNA sequence according to claim 7, wherein the gene encodes a heterologous protein.
10. (Currently amended) The isolated DNA sequence according to claim 9, wherein the heterologous gene encodes ~~[[the]]~~ a luciferase gene.

11. (Currently amended) The isolated DNA sequence according to claim 9, wherein the heterologous gene encodes a protein selected from an interferon-beta, a TNF, an erythropoietin, a tissue plasminogen activator, a granulocyte colony stimulating factor, a manganese-superoxide 41 dismutase, an immunoglobulin, or a fragment thereof, a growth hormone, an FSH, an hCG, an IL- 18, an hsLDLR and a TNF receptor binding proteins.
12. (Currently amended) A vector comprising [[a]] the DNA sequence according to claim 1.
13. (Currently amended) An isolated host cell comprising [[a]] the vector according to claim 12.
14. (Currently amended) [[An]] The isolated host cell according to claim 13, being a mammalian cell.
15. (Currently amended) [[An]] The isolated host cell according to claim 14, selected from the group consisting of CHO, WISH, HepG2, Cos, CV- 1, HeLa, and Hakat U937 cells.
16. (Cancelled)
17. (Currently amended) A recombinant virus vector which comprises a portion of the virus ~~genome~~ genomic nucleic acid, a DNA fragment encoding a gene of interest and a DNA fragment comprising [[a]] the DNA sequence encoding the human IL- 18BP promoter according to claim 1, operably linked to the gene of interest.
18. (Currently amended) A recombinant virus vector according to claim 17, wherein the gene of interest is selected from an interferon-beta, a TNF, an erythropoietin, a tissue plasminogen activator, a granulocyte colony stimulating factor, a manganese-superoxide dismutase, an immunoglobulin, or a fragment thereof, a growth hormone, an FSH, an hCG, an IL- 18, an hsLDLR and a TNF receptor binding proteins.
19. (Currently amended) A recombinant virus vector according to claim 17, wherein the ~~portion of the virus is~~ genome belongs to an adeno-associated virus.
- 20-33. (Cancelled)
34. (Previously presented) A pharmaceutical composition comprising a DNA sequence comprising the human IL- 18BP functional promoter which is SEQ ID NO: 1, wherein

the 3' end of said isolated DNA sequence comprises at the 3' end nucleotides one to 51 of the 5' end of SEQ ID NO: 5.

35. (Previously presented) The isolated DNA sequence according to claim 2, wherein the fragment consists of SEQ ID NO: 2.
36. (Previously presented) The isolated DNA sequence according to claim 2, further comprising an intron.
37. (Previously presented) The isolated DNA sequence according to claim 36, wherein the intron consists of the first intron of IL-18BP.
38. (Previously presented) The isolated DNA sequence according to claim 2, further containing a gene operatively linked to the IL-18BP promoter.
39. (Previously presented) The isolated DNA sequence according to claim 38, wherein the gene encodes IL-18BP.
40. (Previously presented) The isolated DNA sequence according to claim 38, wherein the gene encodes a heterologous protein.
41. (Previously presented) The isolated DNA sequence according to claim 40, wherein the heterologous gene encodes the luciferase gene.
42. (Currently amended) The isolated DNA sequence according to claim 40, wherein the heterologous gene encodes a protein selected from an interferon-beta, a TNF, an erythropoietin, a tissue plasminogen activator, a granulocyte colony stimulating factor, a manganese-superoxide 41 dismutase, an immunoglobulin, or a fragment thereof, a growth hormone, an FSH, an hCG, an IL-18, an hsLDLR and a TNF receptor binding proteins.
43. (Currently amended) A vector comprising [[a]] the DNA sequence according to claim 2.
44. (Previously presented) An isolated host cell comprising a vector according to claim 43.
45. (Previously presented) An isolated host cell according to claim 44, being a mammalian cell.
46. (Previously presented) An isolated host cell according to claim 45, selected from the group consisting of CHO, WISH, HepG2, Cos, CV-1, HeLa, and Hukat U937 cells.

47. (Currently amended) A recombinant virus vector which comprises a portion of the virus ~~genome~~ genomic nucleic acid, a DNA fragment encoding a gene of interest and a DNA fragment comprising ~~[[a]]~~ the DNA sequence encoding the human IL- 18BP promoter according to claim 2, operably linked to the gene of interest.
48. (Currently amended) A recombinant virus vector according to claim 47, wherein the gene of interest is selected from an interferon-beta, a TNF, an erythropoietin, a tissue plasminogen activator, a granulocyte colony stimulating factor, a manganese-superoxide dismutase, an immunoglobulin, or a fragment thereof, a growth hormone, an FSH, an hCG, an IL- 18, an hsLDLR and a TNF receptor binding proteins.
49. (Currently amended) A recombinant virus vector according to claim 47, wherein the ~~portion of the virus is genome~~ belongs to an adeno-associated virus.
50. (Currently amended) A pharmaceutical composition comprising an isolated DNA sequence comprising a functional human IL-18BP promoter which is SEQ ID NO:1, or a fragment or a derivative thereof wherein the fragment or the derivative thereof comprises functional human IL-18BP activity and comprises SEQ ID NO: 3, and wherein the 3' end of said DNA sequence or fragment thereof is operatively linked to ~~comprises at the 3' end one to 51 nucleotides~~ of the 5' end of SEQ ID NO: 5, and wherein the derivative is mutated at one or more AP1 sites present in ~~[[a]]~~ the silencer element present in the SEQ ID NO: 3.